

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *lg* D.C.  
05 NOV -2 AM 11:21  
THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WD OF TENN

CHARLES WAGNER,

Plaintiff,

v.

No. 04-2696 B

MERIT DISTRIBUTION, et al.,

Defendants.

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ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION FOR  
EXTENSION OF TIME IN WHICH TO RESPOND TO SUMMARY JUDGMENT MOTIONS

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Before the Court is the motion of the Plaintiff, Charles Wagner, for an extension of time in which to respond to motions for summary judgment filed by the Defendants. A disposition on the merits of the motion is not warranted at this juncture, however, as the Plaintiff's filing is not in compliance with the Local Rules of this district. The Local Rules provide that motions must be accompanied by a certificate of consultation "affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion." LR7.2(a)(1)(B), Local Rules of the U.S. Dist. Ct. for the W. Dist. of Tenn. ("Local Rules"). The certificate of consultation

must contain the names of participating counsel and the date and manner of consultation. The burden will be on counsel filing the motion to initiate the conference upon giving reasonable notice of the time, place and specific nature of the conference. If an opposing counsel or party refuses to cooperate in the conduct of a conference, counsel must file a certificate to that effect, setting out counsel's efforts to comply with this rule.

LR7.2(a)(1)(B), Local Rules. In this case, there is no indication that counsel for the Plaintiff conferred with opposing counsel on the matter which is the subject of the motion or that he made

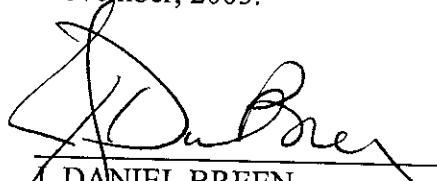
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any attempt to do so. "Failure to file an accompanying certificate of consultation may be deemed good grounds for denying the motion." LR7.2(a)(1)(B), Local Rules.

As the motion is procedurally defective, it is hereby DENIED without prejudice.

IT IS SO ORDERED this 1<sup>st</sup> day of November, 2005.

  
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J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

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Honorable J. Breen  
US DISTRICT COURT